

## How to Respond to an Originating Application or Originating Application for Variation

## Instructions for the Respondent

If you have been served with an Origination Application or an Originating Application for Variation, you are the *Respondent* in a family law court proceeding. The person who has started this proceeding is the *Applicant*. A **Response (Form F6.02A)** is a form you use to respond to an Application. In the Response, you set out what your position is on the family law issues. You may also make your own claims in your Response.

**If you do not respond, the Court may proceed and make an order without hearing from you.**

### Completing Your Response

You can fill out this form by hand or you can download and fill out this form electronically at <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/> (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the Applicant). You must fill out pages 1-4 of the Response and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Response, attach an extra page.

**If you are Responding to a claim for child support, you must attach all of the applicable financial documents set out on page 4 of the Financial Statement (Form F10.02A).**

### Filing Your Response

You must make **3 extra copies** of your completed and signed Response (including any additional documentation). File your original Response with the Court. To file your Response, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online: <https://www.court.nl.ca/supreme/schedule-of-fees/>. You have only **30 days** after the Application has been served on you to file your Response (You have 60 days if you have been served outside of Canada or the United States).

If the Applicant is making an application to vary a support order made under the *Divorce Act* and you reside in a different province, you may, within **40 days** after receiving the application, request that the Court convert the application to an inter-jurisdictional proceeding. For more information on this process, you can contact the Court.

### Serving Your Response

You must give a copy of the Response to the Applicant. This is called *service*. You have only **30 days** after the Application has been served on you to serve your Response (You have 60 days if you have been served outside of Canada or the United States). If you are making a new claim for parenting or divorce in your Response, an adult (who is not you) must hand-deliver the Response to the Applicant. This is called *personal service*. If you are not making a new claim for parenting or divorce, you may also serve the Applicant by personal service or by leaving a copy with the Applicant's lawyer, leaving a copy at the Applicant's address, registered mail/courier, or regular mail. You may also serve the Applicant using fax, email, or electronic document exchange, if the Applicant has provided that information.

You may have to file an **Affidavit of Service (Form F8.03A)** or **Acknowledgement of Service (Form F8.04A)** with the Court. These forms are available online: <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/>

**More Information**

Questions? Go to <https://www.court.nl.ca/supreme/family-division/> or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

**--- It is highly recommended that you get advice from a lawyer ---**

If you need help finding a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): [www.publiclegalinfo.com](http://www.publiclegalinfo.com) or

1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://www.legalaid.nl.ca) or 1(800) 563-9911

**--- REMOVE THESE PAGES BEFORE SERVING THE RESPONSE ---**

**How to Reply to a Response****Instructions for the Applicant**

Read the attached **Response (Form F6.02A)** carefully. The Respondent has responded to the issues that you raised in your Originating Application or Originating Application for Variation.

The Respondent may have also made some new claims in his/her Response. If you want to respond to any of these new claims, you must file and serve a **Reply (Form F7.02A)**.

You can find the Response form at any Supreme Court location or online:

<https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/>

You have only **10 days** after this Response has been served on you to file and serve your Reply.

**If you do not reply, the Court may proceed and make an order without hearing from you.**

For more information on how to fill out, file, and serve a Reply, read the “Instructions for the Applicant” page attached to the Reply form.

**More Information**

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# Form F6.02A: Response (Family Law)



**In the Supreme Court of  
Newfoundland and Labrador  
(General/Family)**

<b>FOR COURT USE ONLY</b>
COURT FILE NO: _____
CENTRAL DIVORCE REGISTRY NO: _____
Filed at _____, Newfoundland and Labrador, this _____ day of _____, 20_____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: \_\_\_\_\_ APPLICANT  
*(Print full name)*

AND: \_\_\_\_\_ RESPONDENT  
*(Print full name)*

AND: \_\_\_\_\_  NOT APPLICABLE  
*(Print full name)*  SECOND APPLICANT  
 SECOND RESPONDENT

Check all of the boxes that apply:

<input type="checkbox"/> I do not contest any of the claims made by the Applicant.
<input type="checkbox"/> I disagree with some or all of the claims made by the Applicant. Which claim(s) do you agree with (if any)? <i>It is helpful to indicate the page and section of the Applicant's application that you agree with.</i>

Which claim(s) do you disagree with?

*It is helpful to indicate the page and section of the Applicant’s application that you disagree with.*

I am making my own claims.

*Only check this box if you are making new claims that were not addressed in the Originating Application or Originating Application for Variation. You must fill out and file the Schedule(s) and any additional Form(s) that correspond with your claim(s).*

I am seeking:

Type of Order	Fill Out Schedule	Attach
<input type="checkbox"/> Divorce	1	Original marriage certificate
<input type="checkbox"/> Parenting (Decision-making and parenting time)	2	-
<input type="checkbox"/> Contact Order / Third Party Time with Child*	3	-
<input type="checkbox"/> Child Support	4	Financial Statement (Form F10.02A) if applicable
<input type="checkbox"/> Spousal ( <i>married</i> ) Support or Partner ( <i>unmarried</i> ) Support	5	Financial Statement (Form F10.02A)
<input type="checkbox"/> Parental Support ( <i>for parents</i> ) or Dependant Support ( <i>for spouse or child of deceased person</i> )	5	Financial Statement (Form F10.02A)
<input type="checkbox"/> Division of Matrimonial ( <i>married</i> ) Property or Common Law ( <i>unmarried</i> ) Property	6	Property Statement (Form F10.04A)
<input type="checkbox"/> Return of Child (within Canada)	7	Emergency Temporary Relief Application (Form 17.03A) if applicable
<input type="checkbox"/> Consent Order	8	Consent Order (Form F34.02A and/or F34.02B)
<input type="checkbox"/> Other: _____	8	-

**\*Under the *Divorce Act*, a judge’s permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.**

## Respondent Information

Fill in your information below. Note: If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

<b>Current Last Name</b>		Last Name at Birth:
<b>First Name</b>		Last Name the Day before the Day of Marriage:
<b>Middle Name(s) (if any)</b>		
<b>Gender</b>		
<b>Residential Address</b>		
	<i>Street Address</i>	<i>City Province Postal Code</i>
<b>Mailing Address</b> (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:
<b>Fax Number (if any)</b>		
<b>Email Address (if any)</b>	Please note that if you provide your email address, the Court may contact you by email.	
<b>Date of Birth</b>	Month:	Day: Year:
<b>Occupation(s) or Job(s)</b>		
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
<b>Will you need an interpreter in court?*</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:
<b>Lawyer's name, office address, email address, telephone number and fax number (if any)</b>		

\* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Check this box if there is more than 1 Respondent. Attach an extra page to provide the information of the other Respondent(s).

Fill in the information about your relationship with the Applicant

<b>Your relationship with the Applicant</b>				
<b>Date the parties started living together</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Date of marriage</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Place of marriage</b>				OR <input type="checkbox"/> Not applicable
<b>Prior to the marriage, you were</b>	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
<b>Prior to the marriage, the Applicant was</b>	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
<b>Date of separation</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Date of divorce</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

*Have child protection services, in this province or elsewhere, ever been involved with you, the Applicant(s), and/or any of the children listed above?*

- No
- Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving you, the Applicant(s), and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

- Check this box if not applicable.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 8.)

## Schedule 1 Divorce

In order to apply for a divorce, **you must be able to satisfy all 4 of the requirements below:**

1	<input type="checkbox"/> There has been a breakdown in our marriage and there is no likelihood that we will get back together.
2	<input type="checkbox"/> I am a resident of Newfoundland and Labrador and have been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application. <span style="margin-left: 100px;">OR</span> <input type="checkbox"/> My spouse is a resident of Newfoundland and Labrador and has been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.
3	<input type="checkbox"/> I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. <span style="margin-left: 100px;">OR</span> <input type="checkbox"/> I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain.
	<p><i>If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency.</i></p> <p><input type="checkbox"/> Check this box if your Certificate of Marriage is not in English or French. You must attach a translation.</p> <p><i>You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.</i></p>
4	<input type="checkbox"/> There has been no collusion in relation to this application for a divorce.

I am seeking a divorce because there has been a permanent breakdown in our marriage based upon:

<input type="checkbox"/> <b>Separation:</b>  <p><b><i>Check this box if you and your spouse currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding.</i></b></p> <p><i>If you and your spouse have been living separate and apart for less than 1 year, you may still claim a divorce on the ground of separation. However, you must wait until 1 year has elapsed to file an Application for Judgment for divorce.</i></p>
<input type="checkbox"/> <b>Adultery:</b>  <p><i>Check this box if you are seeking divorce because the Applicant has committed adultery. Attach an extra page with details of the adultery.</i></p> <p><i>You may be required to present further evidence of the adultery. You do not need to name any other person involved. If you choose to name another person, you must serve this Response on that person by personal service. That other person(s) will have the same rights as a Respondent in relation to the adultery claim and may file a Response.</i></p> <p><input type="checkbox"/> Check this box to declare that you have not condoned or connived in the adultery.</p>
<input type="checkbox"/> <b>Cruelty:</b>  <p><i>Check this box if you are seeking divorce because your spouse has treated you with physical or mental cruelty that makes continued cohabitation intolerable. Attach an extra page with details of the cruelty.</i></p> <p><i>You may be required to present further evidence of the physical or mental cruelty.</i></p>

Check this box to declare that you have not condoned or connived in the cruelty.

## Schedule 2 Parenting Order

*If you are making an application for a parenting order (decision-making and/or parenting time), or are a person looking to step into the role of parent, fill in the information below.*

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (ie. phone or internet):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

**Schedule 3** **Contact Order/ Third Party Time with Child**

*If you are a non-parent making an application for contact or time with a child, fill in the information below:*

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

What contact/ time do you presently have or have you had with the child?:

What contact/ time with the child are you seeking?:

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request for contact/ time with the child (i.e. previous convictions, involvement with child protection authorities)?:

Other information that may be relevant to the court in determining whether to grant you contact/time with the child:

# Schedule 4 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the <b>basic table amount</b> as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking <b>special and/or extraordinary expenses</b> . You must complete and attach a <b>Financial Statement (Form F10.02A)</b> .
<input type="checkbox"/> I am seeking <b>an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount</b> .  Depending on your reason(s) for seeking an amount different from the <i>Child Support Guidelines</i> , you may have to attach further documentation.  List your reason(s) for seeking an amount of child support different from the <i>Child Support Guidelines</i> : <ul style="list-style-type: none"> <li><input type="checkbox"/> The Respondent and I have agreed to child support in the amount of \$ _____ per month.</li> <li><input type="checkbox"/> I have parenting time with the child(ren) for 40% or more of the year.                      You must complete and attach a <b>Financial Statement (Form F10.02A)</b>.</li> <li><input type="checkbox"/> The child(ren) is(are) 19 years of age or older.                      You must complete and attach a <b>Financial Statement (Form F10.02A)</b>.</li> <li><input type="checkbox"/> One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually.                      You must complete and attach a <b>Financial Statement (Form F10.02A)</b>.</li> <li><input type="checkbox"/> I am claiming undue hardship for the following reason(s):  <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> </li> </ul> You must complete and attach a <b>Financial Statement (Form F10.02A)</b> . <ul style="list-style-type: none"> <li><input type="checkbox"/> Other:  <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> </li> </ul> Depending on your claim, you may be required to complete and attach a <b>Financial Statement (Form F10.02A)</b> .
<input type="checkbox"/> I am seeking <b>retroactive child support</b> .  What is the amount of retroactive child support that you are seeking? \$ _____  What is the date from which you are seeking retroactive child support? (month/day/year) _____  Describe the facts and your reason(s) for seeking retroactive child support:  <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>

# Schedule 5

# Spousal, Partner, Parental, or Dependent Support

*If you are seeking spousal, partner, parental, or dependent support, you must complete and attach a **Financial Statement (Form F10.02A)***

Check all of the boxes that apply and fill in the information required:

I am seeking :

- Spousal support**
- Partner support**
- Parental support**
- Dependant support**

Describe the facts and your reason(s) for seeking support:

I am seeking:

- Retroactive spousal support**
- Retroactive partner support**
- Retroactive parental support**
- Retroactive dependant support**

What is the amount of retroactive support that you are seeking? \$ \_\_\_\_\_

What is the date from which you are seeking retroactive support? (month/day/year) \_\_\_\_\_

Describe the facts and your reason(s) for seeking retroactive support:

## Schedule 6 Division of Property

*If you are seeking a division of matrimonial property or common law property, you must complete and attach a **Property Statement (Form F10.04A)***

Check all of the boxes that apply and fill in any information required:

<input type="checkbox"/>	I am seeking an <b>equal division of matrimonial property</b> .
<input type="checkbox"/>	I am seeking an <b>unequal division of matrimonial property</b> . Describe the facts and your reason(s) for seeking an unequal division of property:  
<input type="checkbox"/>	I am seeking <b>exclusive possession of the matrimonial home</b> . Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home:  
<input type="checkbox"/>	I am seeking a <b>division of common law property</b> . Describe your property claim, the facts, and your reason(s) for seeking the claim:  
<input type="checkbox"/>	Other: Describe your property claim, the facts, and your reason(s) for seeking the claim:  

## **Schedule 7** Return of Child (within Canada)

*If you are seeking a court order for the return of a child or children (within Canada), answer the questions below:  
You may provide any additional affidavit(s) necessary.*

*At what address does the child(ren) habitually (normally) live?*

*Set out all of the available facts and information that you have relating to the whereabouts of the child(ren):*

*Set out all the available facts and information that you have regarding the identity of the person that the child(ren) is/are presumed to be with:*

*Set out your reasons for making the application:*

## **Schedule 8** Consent Order or Other Claims

*If you are seeking a court order for something other than the claims requested in the other Schedules, state what you are seeking, describe the facts, and give reasons:*

## Statement of Truth

You must swear or affirm that the facts and information that you have written in this Response and the attached Schedule(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this Response at the Court when you file it.

If there is more than 1 Respondent, attach an extra page with the signatures required below.

I declare the facts and information in this Response are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Signature of Person Authorized to Administer Oaths

## Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

\_\_\_\_\_  
Signature of Lawyer (if any)

\_\_\_\_\_  
Print Name of Lawyer (if any)

## Party's Certificate

If you or the Applicant are applying for relief under the *Divorce Act*, you must complete this certificate.

I, \_\_\_\_\_,  
(Print Party's Name)

the Respondent, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Signature of Respondent*

# Lawyer's Certificate

If you or the Applicant are applying for relief under the Divorce Act and you are represented by a lawyer, your lawyer must complete this certificate.

I, \_\_\_\_\_, the Lawyer for \_\_\_\_\_,  
 (Print Lawyer's Name) (Print Respondent's Name)

the Respondent, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act, and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties' duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Signature of Lawyer

\_\_\_\_\_  
 Address of Lawyer